

REMARKS

A three-month extension of time for responding to the Office Action is respectfully requested. Filed herewith is a Request for Extension of Time Pursuant to 37 CFR 1.136(a).

Claims 1, 3-6, 8-13, 21, 24-30, and 37-44 were pending in the application. Claims 31-36 have been withdrawn in response to a restriction requirement. In the Office Action, claims 1, 3-6, 8-13, 24, 30, and 37-44 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 3-6, 8-13, 24-30, and 37-44 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,195,920 to Collier (hereinafter "Collier"). Claims 3 and 21-23 stand rejected under 35 U.S.C. 103(a) as being obvious over Collier in view of U.S. Patent No. 6,001,014 to Ogata, *et al.* (hereinafter "Ogata"). And claim 11 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Collier in view of U.S. Patent No. 5,216,337 to Orton, *et al.* (hereinafter "Orton").

Applicant has cancelled claims 1, 3-6, 8-13, 24-30, and 37-44 and added claims 45-57. Further, Applicant has amended the specification to correct several typographical errors.

Claims 1, 3-6, 8-13, 24-30, and 37-44 were cancelled and claims 45-57 were added not to overcome prior art, but rather to remove unnecessary limitations in the pending claims. The amendments are discussed in further detail below. Support for the amendments may be found in the specification and the original claims. No new matter has been added.

Applicant submits that claims 45-57 are allowable. Reconsideration of the claims is respectfully requested in view of the foregoing amendment and the following remarks.

I. Claims 1, 3-6, 8-13, 24-30, and 37-44 – 35 U.S.C. §112

Applicant has cancelled claims 1, 3-6, 8-13, 24-30, and 37-44. Accordingly, Applicant respectfully requests that the Examiner remove the rejection of these claims under 35 U.S.C. 112.

II. Claims 1, 3-6, 8-13, 24-30, and 37-44 – 35 U.S.C. 102(b)

Claims 1, 3-6, 8-13, 24-30, and 37-44 were rejected under 35 U.S.C. 102(b). Claims 1, 3-6, 8-13, 24-30, and 37-44 have been cancelled.

The Examiner rejected claim 1 as anticipated by Collier. To anticipate a claim, the reference must teach every element of the claim.¹ New claim 45 is related to cancelled claim 1. In claim 45, Applicant claims “an actuator coupled to said housing, said actuator operable *to output a force* on at least one of said housing and said manipulandum.” Collier does not disclose “an actuator coupled to said housing, said actuator operable to output a force on at least one of said housing and said manipulandum.” Collier discloses a system in which “the processing unit 80 outputs an appropriate sound effect in speaker 90 *to generate a sound 92.*”² Thus Collier does not anticipate claim 45, and Applicant respectfully requests that Examiner allow claim 45. Claims 46-57 depend from claim 45. Accordingly, Applicant respectfully requests that Examiner allow claims 46-57 as well.

II. Claims 3 and 21-23 – 35 U.S.C. 103(a)

Claims 3 and 21-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Collier in view of Ogata. Claims 3 and 21-23 have been cancelled. Claims 22 and 23 were cancelled in a previous amendment.

New claim 46 is related to claim 3. Claim 46 depends from new claim 45. In order to establish a prima facie case of obviousness, “the prior art reference (or references when combined) must teach or suggest all the claim limitations.”³

In claim 45, Applicant claims “a manipulandum disposed within said housing and operable to cause a control signal to be sent to a remotely-controlled device; [and] an actuator coupled to said housing, said actuator operable to output a force on at least one of said housing and said manipulandum.” Neither Collier nor Ogata disclose “a manipulandum disposed within said housing and operable to cause a control signal to be sent to a remotely-controlled device; [and] an actuator coupled to said housing, said actuator operable to output a force on at least one of said housing and said manipulandum.”

Collier discloses a system in which “the processing unit 80 outputs an appropriate sound effect in speaker 90 to generate a sound 92.”⁴ The disclosed system is “*a self-contained system entirely located on a model radio controlled vehicle.*”⁵ Ogata discloses a *game controller*

¹ MPEP § 2131.

² Collier, Column 6, lines 25-27.

³ MPEP § 2143.

⁴ Collier, Column 6, lines 25-27.

⁵ Id., Column 2, lines 50-52.

comprising a "response member" for generating a vibration.⁶ Thus neither Collier nor Ogata teaches or suggests all of the claim limitations of claim 45, and Applicant respectfully requests that Examiner allow claim 45. As noted above, claim 46 depends from claim 45. Accordingly, Applicant respectfully requests that Examiner allow claims 46.

IV. Claim 11 – 35 U.S.C. 103(a)

Claim 11 was rejected under 35 U.S.C. 103(a) under 35 U.S.C. 103(a) as being unpatentable over Collier in view of Orton. Claim 11 has been cancelled.

New claim 55 is related to claim 11. Claim 55 depends from new claim 45. In claim 45, Applicant claims "a manipulandum disposed within said housing and operable to cause a control signal to be sent to a remotely-controlled device; [and] an actuator coupled to said housing, said actuator operable *to output a force* on at least one of said housing and said manipulandum." Neither Collier nor Orton disclose "a manipulandum disposed within said housing and operable to cause a control signal to be sent to a remotely-controlled device; [and] an actuator coupled to said housing, said actuator operable to output a force on at least one of said housing and said manipulandum." Collier discloses a system in which "the processing unit 80 outputs an appropriate sound effect in speaker 90 *to generate a sound* 92."⁷ Orton discloses a "speed controller with an *audible feedback signal* capability."⁸ Thus neither Collier nor Orton teaches or suggests all of the claim limitations of claim 45, and Applicant respectfully requests that Examiner allow claim 45. Claim 55 depends from claim 45. Thus, claim 55 is allowable as well. Accordingly, Applicant respectfully requests that Examiner allow claim 55.

V. Conclusion

Applicant submits that pending claims 45-57 are in condition for allowance and respectfully solicits a Notice of Allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of the application, the Examiner is invited to contact the undersigned at (336)-607-7311 to discuss any matter related to the application.

⁶ Ogata, Column 6, lines 17-20.

⁷ Collier, Column 6, lines 25-27.

⁸ Orton, Abstract, lines 1-2.

Serial No.: 09/823,943
Filed: March 30, 2001

Express Mail Cert. No. EV 127 451 798 US
PATENT

Date:

6/3/03

Kilpatrick Stockton LLP
1001 West Fourth Street
Winston-Salem, NC 27101
Phone: 336-607-7311
Fax: 336-734-2621

Respectfully submitted,



John Alemanni

Registration No. 47,384

51851-281195

WINLIB01:1006363.2